



An Energy Efficiency Workshop & Exposition

Kansas City, Missouri

Legal Authority – DSM Contracting

Civilian Agencies – 42 USC 8256

Defense Agencies – 10 USC 2865

- Statutory Language/Scheme
 - Similarities
 - Differences

- Two Key Legal Issues
 - Sole Source Authority
 - Contract Term

- Sole Source Authority
 - DOD Model Agreement
 - DOE Legal Opinion - 1994

- Contract Term
 - Anti Deficiency Act – 31 USC 1341
 - No contract or obligation before an appropriation is made unless authorized by law

- Legal Opinions
 - DOD Model Agreement (DUSD Memo)
 - GSA OGC Opinion – May 2000
 - AF – Tyndall Utility Litigation Team Memo of 28 September 2000



- o Where Are We?

- Resources
 - FEMP Web site
 - Agency contacts